

# Exhibit 1

---

**From:** Joseph Saveri <[jsaveri@saverilawfirm.com](mailto:jsaveri@saverilawfirm.com)>

**Sent:** Friday, July 28, 2023 12:00 PM

**To:** Buchwald, Lara Samet <[lara.buchwald@davispolk.com](mailto:lara.buchwald@davispolk.com)>

**Cc:** Martins, Tatiana R. <[tatiana.martins@davispolk.com](mailto:tatiana.martins@davispolk.com)>; Wasim, Roshaan <[roshaan.wasim@davispolk.com](mailto:roshaan.wasim@davispolk.com)>; Adam Moskowitz <[Adam@moskowitz-law.com](mailto:Adam@moskowitz-law.com)>; David Boies <[dBoies@BSFLLP.com](mailto:dBoies@BSFLLP.com)>; Brooke Alexander <[balexander@bsfllp.com](mailto:balexander@bsfllp.com)>; Rejane Passos <[rejane@moskowitz-law.com](mailto:rejane@moskowitz-law.com)>; Joseph Kaye <[joseph@moskowitz-law.com](mailto:joseph@moskowitz-law.com)>; kmiller@fishmanhaygood.com; Swanson, James R. <[jswanson@fishmanhaygood.com](mailto:jswanson@fishmanhaygood.com)>; Paschal, Hogan <[hpaschal@fishmanhaygood.com](mailto:hpaschal@fishmanhaygood.com)>

**Subject:** RE: FTX MDL - Agenda for Tuesday's Zoom

Noted.

Adding the Fishman Haygood folks

Joseph

T 415.500.6800

---

**JOSEPH SAVERI**  
LAW FIRM

---

**From:** Buchwald, Lara Samet <[lara.buchwald@davispolk.com](mailto:lara.buchwald@davispolk.com)>

**Sent:** Friday, July 28, 2023 5:42 AM

**To:** Joseph Saveri <[jsaveri@saverilawfirm.com](mailto:jsaveri@saverilawfirm.com)>

**Cc:** Martins, Tatiana R. <[tatiana.martins@davispolk.com](mailto:tatiana.martins@davispolk.com)>; Wasim, Roshaan <[roshaan.wasim@davispolk.com](mailto:roshaan.wasim@davispolk.com)>; Adam Moskowitz <[Adam@moskowitz-law.com](mailto:Adam@moskowitz-law.com)>; David Boies <[dBoies@BSFLLP.com](mailto:dBoies@BSFLLP.com)>; Brooke Alexander <[balexander@bsfllp.com](mailto:balexander@bsfllp.com)>; Rejane Passos <[rejane@moskowitz-law.com](mailto:rejane@moskowitz-law.com)>; Joseph Kaye <[joseph@moskowitz-law.com](mailto:joseph@moskowitz-law.com)>

**Subject:** RE: FTX MDL - Agenda for Tuesday's Zoom

Joe,

As you know, we represent Deltec Bank & Trust Company Limited ("Deltec") and Jean Chalopin. For the avoidance of doubt, our clients are not subject to personal jurisdiction in any U.S. state and do not waive their personal jurisdiction defenses.

To the extent you plan to report on the positions of various defendants in your upcoming motion papers, it is our clients' position that the requests for a protective order and for a special master are premature. We certainly welcome the opportunity to weigh in at the appropriate time, but cannot consent at this time to your planned motions.

Regards,

Lara

**Lara Samet Buchwald**

**Davis Polk & Wardwell LLP**  
+1 212 450 4351 office  
+1 973 865 3293 mobile  
[lara.buchwald@davispolk.com](mailto:lara.buchwald@davispolk.com)

---

**From:** Joseph Kaye <[joseph@moskowitz-law.com](mailto:joseph@moskowitz-law.com)>  
**Sent:** Friday, July 14, 2023 4:04 PM  
**To:** Buchwald, Lara Samet <[lara.buchwald@davispolk.com](mailto:lara.buchwald@davispolk.com)>; Joseph Saveri <[jsaveri@saverilawfirm.com](mailto:jsaveri@saverilawfirm.com)>  
**Cc:** Martins, Tatiana R. <[tatiana.martins@davispolk.com](mailto:tatiana.martins@davispolk.com)>; Wasim, Roshan <[roshaan.wasim@davispolk.com](mailto:roshaan.wasim@davispolk.com)>; Adam Moskowitz <[Adam@moskowitz-law.com](mailto:Adam@moskowitz-law.com)>; David Boies <[dBoies@BSFLLP.com](mailto:dBoies@BSFLLP.com)>; Brooke Alexander <[balexander@bsfllp.com](mailto:balexander@bsfllp.com)>; Rejane Passos <[rejane@moskowitz-law.com](mailto:rejane@moskowitz-law.com)>  
**Subject:** RE: FTX MDL - Agenda for Tuesday's Zoom

Thanks Lara, looping in the rest of the group (as indicated below, highlighted). Thanks

Best,

Joseph M. Kaye, P.A.  
Partner  
**The Moskowitz Law Firm, PLLC**  
Continental Plaza  
3250 Mary Street, Suite 202  
Coconut Grove, FL 33133  
**Mailing Address:**  
P.O. Box 653409  
Miami, FL 33175  
Office: (305) 740-1423  
Direct: (786) 309-9585  
<https://moskowitz-law.com>

Note: The information in this email is confidential and intended to be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information contained herein; please advise the sender immediately by reply email and delete this message and any attachments without retaining a copy. Although this email and any attachments are believed to be free of any viruses or other defects that may affect any computer system into which it is received and opened, it is the responsibility of the recipient to ensure that it is virus-free and no responsibility is accepted by The Moskowitz Law Firm or the sender of this email for any loss or damage arising in any way from its use.

---

**From:** [Buchwald, Lara Samet](#)  
**Sent:** Friday, July 14, 2023 4:01 PM  
**To:** [Joseph Saveri](#)  
**Cc:** [Martins, Tatiana R.](#); [Wasim, Roshan](#); [Joseph Kaye](#)  
**Subject:** RE: FTX MDL - Agenda for Tuesday's Zoom

Joe,

We represent Deltec Bank & Trust Company Limited ("Deltec") and Jean Chalopin. Deltec and Mr. Chalopin are not subject to general personal jurisdiction in any U.S. state, and—as previously communicated—neither Deltec nor Mr. Chalopin waives their respective personal jurisdiction defenses. We are happy to find time to speak if a discussion would be constructive.

Regards,

Lara

**Lara Samet Buchwald**

**Davis Polk & Wardwell LLP**

+1 212 450 4351 office

+1 973 865 3293 mobile

[lara.buchwald@davispolk.com](mailto:lara.buchwald@davispolk.com)

---

**From:** Joseph Kaye <[joseph@moskowitz-law.com](mailto:joseph@moskowitz-law.com)>

**Sent:** Tuesday, July 11, 2023 8:22 PM

**To:** [rzutshi@cgsh.com](mailto:rzutshi@cgsh.com); Adam Moskowitz <[Adam@moskowitz-law.com](mailto:Adam@moskowitz-law.com)>

**Cc:** Rejane Passos <[rejane@moskowitz-law.com](mailto:rejane@moskowitz-law.com)>; Stu Davidson <[sdavidson@rgrdlaw.com](mailto:sdavidson@rgrdlaw.com)>; Joseph Saveri <[jsaveri@saverilawfirm.com](mailto:jsaveri@saverilawfirm.com)>; David Boies <[dBoies@BSFLLP.com](mailto:dBoies@BSFLLP.com)>; Alex Boies <[ABoies@BSFLLP.com](mailto:ABoies@BSFLLP.com)>; Jose M. Ferrer <[jose@markmigd.com](mailto:jose@markmigd.com)>; Robert Lieff <[rlieff@lieff.com](mailto:rlieff@lieff.com)>; James Swanson <[jswanson@fishmanhaygood.com](mailto:jswanson@fishmanhaygood.com)>; [iking@kaplanfox.com](mailto:iking@kaplanfox.com); Rachel Lanier <[Rachel.lanier@lanierlawfirm.com](mailto:Rachel.lanier@lanierlawfirm.com)>; Rachel Furst <[rachel@maderalbyrne.com](mailto:rachel@maderalbyrne.com)>; Stephen N. Zack <[SZack@BSFLLP.com](mailto:SZack@BSFLLP.com)>; William Audet <[waudet@audetlaw.com](mailto:waudet@audetlaw.com)>; Eric Ian Niehaus <[ericn@rgrdlaw.com](mailto:ericn@rgrdlaw.com)>; [ffox@kaplanfox.com](mailto:ffox@kaplanfox.com); Alex J. Brown <[Alex.Brown@LanierLawFirm.com](mailto:Alex.Brown@LanierLawFirm.com)>; Davis LaBarre <[Davis.Labarre@LanierLawFirm.com](mailto:Davis.Labarre@LanierLawFirm.com)>; Mark Lanier <[Mark.Lanier@LanierLawFirm.com](mailto:Mark.Lanier@LanierLawFirm.com)>; [jonathan.wilkerson@lanierlawfirm.com](mailto:jonathan.wilkerson@lanierlawfirm.com); Marc Ayala <[mayala@bsfllp.com](mailto:mayala@bsfllp.com)>; Steven N. Williams <[swilliams@saverilawfirm.com](mailto:swilliams@saverilawfirm.com)>; Christopher Young <[cyoung@saverilawfirm.com](mailto:cyoung@saverilawfirm.com)>; Miller, Kerry <[kmiller@fishmanhaygood.com](mailto:kmiller@fishmanhaygood.com)>; Paschal, Hogan <[hpaschal@fishmanhaygood.com](mailto:hpaschal@fishmanhaygood.com)>; Howard Bushman <[Howard@moskowitz-law.com](mailto:Howard@moskowitz-law.com)>; Christopher Tourek <[ctourek@pomlaw.com](mailto:ctourek@pomlaw.com)>; Josh Silverman <[jsilverman@pomlaw.com](mailto:jsilverman@pomlaw.com)>; Marshal Hoda <[marshal@thehodlawfirm.com](mailto:marshal@thehodlawfirm.com)>; Adam Shaw <[ashaw@bsfllp.com](mailto:ashaw@bsfllp.com)>; Brooke Alexander <[balexander@bsfllp.com](mailto:balexander@bsfllp.com)>; Tyler Ulrich <[tulrich@BSFLLP.com](mailto:tulrich@BSFLLP.com)>; Kim, Joon H. <[jkim@cgsh.com](mailto:jkim@cgsh.com)>; Park, Jennifer Kennedy <[jkpark@cgsh.com](mailto:jkpark@cgsh.com)>; [paul@lawsonhuckgonzalez.com](mailto:paul@lawsonhuckgonzalez.com); [JGuso@bergersingerman.com](mailto:JGuso@bergersingerman.com); [akauffmann@bergersingerman.com](mailto:akauffmann@bergersingerman.com); [mark.mckane@kirkland.com](mailto:mark.mckane@kirkland.com); [anna.terteryan@kirkland.com](mailto:anna.terteryan@kirkland.com); [stephen.silva@kirkland.com](mailto:stephen.silva@kirkland.com); [Todd.Pittenger@gray-robinson.com](mailto:Todd.Pittenger@gray-robinson.com); [kelly.garcia@gray-robinson.com](mailto:kelly.garcia@gray-robinson.com); [alexander.drylewski@skadden.com](mailto:alexander.drylewski@skadden.com); [mark.foster@skadden.com](mailto:mark.foster@skadden.com); [tein@teinmalone.com](mailto:tein@teinmalone.com); [bklein@waymakerlaw.com](mailto:bklein@waymakerlaw.com); [smalzahn@waymakerlaw.com](mailto:smalzahn@waymakerlaw.com); [pete.white@srz.com](mailto:pete.white@srz.com); [jeffrey.robertson@srz.com](mailto:jeffrey.robertson@srz.com); [jshapiro@stearnsweaver.com](mailto:jshapiro@stearnsweaver.com); [arodriguez@stearnsweaver.com](mailto:arodriguez@stearnsweaver.com); [Amy.Longo@ropesgray.com](mailto:Amy.Longo@ropesgray.com); [David.Hennes@ropesgray.com](mailto:David.Hennes@ropesgray.com); [Lauren.Bergelson@ropesgray.com](mailto:Lauren.Bergelson@ropesgray.com); [afels@ffslawfirm.com](mailto:afels@ffslawfirm.com); [aehrlich@paulweiss.com](mailto:aehrlich@paulweiss.com); [bkarp@paulweiss.com](mailto:bkarp@paulweiss.com); [nkovalenko@paulweiss.com](mailto:nkovalenko@paulweiss.com); Buchwald, Lara Samet <[lara.buchwald@davispolk.com](mailto:lara.buchwald@davispolk.com)>; [SRagland@keker.com](mailto:SRagland@keker.com); [NMarais@keker.com](mailto:NMarais@keker.com); [jacqueline.arango@akerman.com](mailto:jacqueline.arango@akerman.com); Wenck, Julia <[jwenck@cgsh.com](mailto:jwenck@cgsh.com)>; Mendez, Cristina <[crmendez@cgsh.com](mailto:crmendez@cgsh.com)>; [scasey@colson.com](mailto:scasey@colson.com); [Bob@colson.com](mailto:Bob@colson.com); [zach@colson.com](mailto:zach@colson.com); [Andrew.Clubok@lw.com](mailto:Andrew.Clubok@lw.com); [Brittany.Record@lw.com](mailto:Brittany.Record@lw.com); [Susan.Engel@lw.com](mailto:Susan.Engel@lw.com); [Elizabeth.Greenman@lw.com](mailto:Elizabeth.Greenman@lw.com); [Jessica.StebbinsBina@lw.com](mailto:Jessica.StebbinsBina@lw.com); [Marvin.Putnam@lw.com](mailto:Marvin.Putnam@lw.com); [michele.johnson@lw.com](mailto:michele.johnson@lw.com); [jmarcus@mnrlawfirm.com](mailto:jmarcus@mnrlawfirm.com); [mpineiro@mnrlawfirm.com](mailto:mpineiro@mnrlawfirm.com); [bfloch@mnrlawfirm.com](mailto:bfloch@mnrlawfirm.com); [jneiman@mnrlawfirm.com](mailto:jneiman@mnrlawfirm.com); [abrettler@berkbrettler.com](mailto:abrettler@berkbrettler.com); [mordenes@mnrlawfirm.com](mailto:mordenes@mnrlawfirm.com); [mphillip@mnrlawfirm.com](mailto:mphillip@mnrlawfirm.com); [christopher.carver@akerman.com](mailto:christopher.carver@akerman.com); [jason.oletsky@akerman.com](mailto:jason.oletsky@akerman.com); [katie.johnson@akerman.com](mailto:katie.johnson@akerman.com); [Eshaba@dkrpa.com](mailto:Eshaba@dkrpa.com); [aperaza@dkrpa.com](mailto:aperaza@dkrpa.com); [DRothstein@dkrpa.com](mailto:DRothstein@dkrpa.com); [tlydon@mgclaw.com](mailto:tlydon@mgclaw.com); [eric.fitzgerald@mgclaw.com](mailto:eric.fitzgerald@mgclaw.com); [hillary.ladov@mgclaw.com](mailto:hillary.ladov@mgclaw.com); [MKahn@gibsondunn.com](mailto:MKahn@gibsondunn.com); [mjkahn@gibsondunn.com](mailto:mjkahn@gibsondunn.com); [JMacEbong@gibsondunn.com](mailto:JMacEbong@gibsondunn.com); [mdore@gibsondunn.com](mailto:mdore@gibsondunn.com); [jmishkin@mmwr.com](mailto:jmishkin@mmwr.com); [rsimins@mmwr.com](mailto:rsimins@mmwr.com); [ggreenberg@gsgpa.com](mailto:ggreenberg@gsgpa.com); [aschachter@gsgpa.com](mailto:aschachter@gsgpa.com); [edward.soto@weil.com](mailto:edward.soto@weil.com); [Shogarth@mwe.com](mailto:Shogarth@mwe.com); [ehourizadeh@mwe.com](mailto:ehourizadeh@mwe.com); [Jstrabo@mwe.com](mailto:Jstrabo@mwe.com); [Nbull@mwe.com](mailto:Nbull@mwe.com); [mblancoaleman@mwe.com](mailto:mblancoaleman@mwe.com); [danielscoffriedberg@gmail.com](mailto:danielscoffriedberg@gmail.com); [agoldstein@cooley.com](mailto:agoldstein@cooley.com); [stephanie.avakian@wilmerhale.com](mailto:stephanie.avakian@wilmerhale.com); [jdemaria@foxrothschild.com](mailto:jdemaria@foxrothschild.com); [alamb@foxrothschild.com](mailto:alamb@foxrothschild.com); [3](mailto:mmiller-</a></p></div><div data-bbox=)

[hayle@foxrothschild.com](mailto:hayle@foxrothschild.com); [JPoli@foxrothschild.com](mailto:JPoli@foxrothschild.com); [kps@fdlawlv.com](mailto:kps@fdlawlv.com); [josefm@lawjmm.com](mailto:josefm@lawjmm.com); [dadams@potomacclaw.com](mailto:dadams@potomacclaw.com); [jsepulveda@stearnsweaver.com](mailto:jsepulveda@stearnsweaver.com); [mfigueras@stearnsweaver.com](mailto:mfigueras@stearnsweaver.com); [racho@cmda-law.com](mailto:racho@cmda-law.com); [mcummings@cmda-law.com](mailto:mcummings@cmda-law.com); [david@ghannam.law](mailto:david@ghannam.law); [jcallahan@cmda-law.com](mailto:jcallahan@cmda-law.com); [btoth@tothfunes.com](mailto:btoth@tothfunes.com); [ffunes@tothfunes.com](mailto:ffunes@tothfunes.com); [Darren@heitnerlegal.com](mailto:Darren@heitnerlegal.com); [alan@heitnerlegal.com](mailto:alan@heitnerlegal.com); [ptowill@sheppardmullin.com](mailto:ptowill@sheppardmullin.com); [fbonaventure@bakerdonelson.com](mailto:fbonaventure@bakerdonelson.com); [mdorough@bakerdonelson.com](mailto:mdorough@bakerdonelson.com); [tykelly@bakerdonelson.com](mailto:tykelly@bakerdonelson.com); [afoslid@winston.com](mailto:afoslid@winston.com); [datkinson@gunster.com](mailto:datkinson@gunster.com); [srichman@gunster.com](mailto:srichman@gunster.com); [natkinson@gunster.com](mailto:natkinson@gunster.com); [jtravalini@sidley.com](mailto:jtravalini@sidley.com); [irene.yang@sidley.com](mailto:irene.yang@sidley.com); [shemmendinger@sidley.com](mailto:shemmendinger@sidley.com); [thoyt@sidley.com](mailto:thoyt@sidley.com); [bbraun@sidley.com](mailto:bbraun@sidley.com); [mbosher@huntonak.com](mailto:mbosher@huntonak.com); [twaskom@huntonak.com](mailto:twaskom@huntonak.com); [amortimer@huntonak.com](mailto:amortimer@huntonak.com); [khornbeck@huntonak.com](mailto:khornbeck@huntonak.com); [afigueroa@gsgpa.com](mailto:afigueroa@gsgpa.com); [nick.werle@wilmerhale.com](mailto:nick.werle@wilmerhale.com); [Peter.Neiman@wilmerhale.com](mailto:Peter.Neiman@wilmerhale.com); [chris.johnstone@wilmerhale.com](mailto:chris.johnstone@wilmerhale.com); [jklein@mayerbrown.com](mailto:jklein@mayerbrown.com); [gvanzura@mayerbrown.com](mailto:gvanzura@mayerbrown.com); [ademko@mayerbrown.com](mailto:ademko@mayerbrown.com); [jlinder@mayerbrown.com](mailto:jlinder@mayerbrown.com); [jvescera@mayerbrown.com](mailto:jvescera@mayerbrown.com); [sdanon@huntonak.com](mailto:sdanon@huntonak.com); [jisani@huntonak.com](mailto:jisani@huntonak.com); [tschulte@huntonak.com](mailto:tschulte@huntonak.com); Walden, Joshua <[jwalden@cgsh.com](mailto:jwalden@cgsh.com)>; Chun, Ye Eun (Charlotte) <[chchun@cgsh.com](mailto:chchun@cgsh.com)>

**Subject:** RE: FTX MDL - Agenda for Tuesday's Zoom

Good evening all,

This will follow up today's 1:00pm EST call. As discussed on the call, Plaintiffs will not be dismissing any actions currently pending in Florida and maintain the position that the Court has jurisdiction over Defendants in Florida for these claims. However, in order to avoid burdening the Court with resolving any Defendants' personal jurisdiction challenges, Plaintiffs will file a new complaint for any Defendant who continues to challenge personal jurisdiction in a state that Defendant identifies as one in which it is subject to personal jurisdiction. Consistent with the representations made to the Court at the June 21 Status Conference, and the obligations to meet and confer in good faith, we ask you to advise us by **6pm EST on Friday, July 14th** as to each of the following, for each Defendant:

1. Does Defendant agree that it is subject to general personal jurisdiction in any US state (by virtue of their incorporation, principal place of business, citizenship, residence, or otherwise)?
2. If there is any such jurisdiction, we ask Defendant to identify such state(s). We believe doing so comports with the Parties' statements to Judge Moore on June 21, the Court's Order that the Parties shall resolve all issues related to personal jurisdiction, [ECF No. 61], and the Parties' obligation to meet and confer in good faith.
3. Please also advise us whether you are prepared to accept service of our new Complaint on behalf of your client.
4. If for any reason you are not prepared to tell us the state(s) in which you agree your client is subject to personal jurisdiction, please so advise us so that we may seek the Court's guidance.

In the spirit of moving towards resolution, we've identified below the Defendants who we understand continue to object to personal jurisdiction, and the state in which we currently understand they are concededly subject to personal jurisdiction.

1. Nevada
  1. Jikh
  2. Stephan
  3. Lefebvre
2. California
  1. Golden State Warriors
  2. Larry David
  3. Naomi Osaka
  4. Steph Curry

5. Altimeter
6. Ribbit Capital
7. Temasek
8. Deltec
9. Sequoia
10. Paradigm
11. Thoma Bravo
3. Washington D.C.
  1. Jung
4. Michigan
  1. Singh
5. Texas
  1. Multicoïn
6. New York
  1. Tiger Global
  2. Kullberg
7. Washington State
  1. Farmington State Bank
  2. Chalopin
8. Wyoming
  1. Creators Agency

If you believe your client has a personal jurisdiction challenge but is not included on the list below, please let us know, along with the answers to the four items identified above.

Further, as requested on the call, please see below a draft list of the primary contact people for each bucket. **For any such correspondence, please also copy David Boies ([dboies@bsflp.com](mailto:dboies@bsflp.com))**, Adam Moskowitz ([adam@moskowitz-law.com](mailto:adam@moskowitz-law.com)), Brooke Alexander ([balexander@bsflp.com](mailto:balexander@bsflp.com)), Joseph Kaye ([joseph@moskowitz-law.com](mailto:joseph@moskowitz-law.com)), and Rejane Passos ([rejane@moskowitz-law.com](mailto:rejane@moskowitz-law.com)). Please note that this list is provided for administrative purposes only and is provided without prejudice to revision as the amended complaints are still under development at this time.

Insiders – Marc Ayala ([mayala@bsflp.com](mailto:mayala@bsflp.com)) and Jose Ferrer ([jose@markmigdal.com](mailto:jose@markmigdal.com))  
Accounting Firms – Larry King ([LKing@kaplanfox.com](mailto:LKing@kaplanfox.com))  
Professionals (excluding accounting) – Rachel Furst ([Rachel@maderalbyrne.com](mailto:Rachel@maderalbyrne.com)) and Bill Audet ([waudet@audetlaw.com](mailto:waudet@audetlaw.com))  
Foreign VC/Bank/Financial – Joe Saveri ([jsaveri@saverilawfirm.com](mailto:jsaveri@saverilawfirm.com))  
Domestic VC/Bank/Financial – Stu Davidson ([sdavidson@rgrdlaw.com](mailto:sdavidson@rgrdlaw.com))  
Promoters/Brand Ambassadors/Influencers – Alex Brown ([Alex.Brown@LanierLawFirm.com](mailto:Alex.Brown@LanierLawFirm.com))

Thanks,  
Brooke Alexander & Joey Kaye

Best,

Joseph M. Kaye, P.A.  
Partner  
**The Moskowitz Law Firm, PLLC**  
Continental Plaza  
3250 Mary Street, Suite 202

Coconut Grove, FL 33133

**Mailing Address:**

P.O. Box 653409

Miami, FL 33175

Office: (305) 740-1423

Direct: (786) 309-9585

<https://moskowitz-law.com>

Note: The information in this email is confidential and intended to be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information contained herein; please advise the sender immediately by reply email and delete this message and any attachments without retaining a copy. Although this email and any attachments are believed to be free of any viruses or other defects that may affect any computer system into which it is received and opened, it is the responsibility of the recipient to ensure that it is virus-free and no responsibility is accepted by The Moskowitz Law Firm or the sender of this email for any loss or damage arising in any way from its use.

---

**From:** [Zutshi, Rishi N.](#)

**Sent:** Monday, July 10, 2023 3:58 PM

**To:** [Adam Moskowitz](#)

**Cc:** [Rejane Passos](#); [Stu Davidson](#); [Joseph Saveri](#); [David Boies](#); [Alex Boies](#); [Jose M. Ferrer](#); [Joseph Kaye](#); [Robert Lieff](#); [James Swanson](#); [Laurence King](#); [Rachel Lanier](#); [Rachel Furst](#); [Stephen N. Zack](#); [William Audet](#); [Eric Ian Niehaus](#); [Frederic Fox](#); [Alex J. Brown](#); [Davis LaBarre](#); [Mark Lanier](#); [jonathan.wilkerson@lanierlawfirm.com](#); [Marc Ayala](#); [Steven N. Williams](#); [Christopher Young](#); [Miller, Kerry](#); [Paschal, Hogan](#); [Howard Bushman](#); [Christopher Tourek](#); [Josh Silverman](#); [Marshal Hoda](#); [Adam Shaw](#); [Brooke Alexander](#); [Tyler Ulrich](#); [Kim, Joon H.](#); [Park, Jennifer Kennedy](#); [paul@lawsonhuckgonzalez.com](#); [JGuso@bergersingerman.com](#); [akauffmann@bergersingerman.com](#); [mark.mckane@kirkland.com](#); [anna.terteryan@kirkland.com](#); [stephen.silva@kirkland.com](#); [Todd.Pittenger@gray-robinson.com](#); [kelly.garcia@gray-robinson.com](#); [alexander.drylewski@skadden.com](#); [mark.foster@skadden.com](#); [tein@teinmalone.com](#); [bklein@waymakerlaw.com](#); [smalzahn@waymakerlaw.com](#); [Pete.White@srz.com](#); [Jeffrey.Robertson@srz.com](#); [jshapiro@stearnsweaver.com](#); [arodriguez@stearnsweaver.com](#); [Amy.Longo@ropesgray.com](#); [David.Hennes@ropesgray.com](#); [Lauren.Bergelson@ropesgray.com](#); [afels@ffslawfirm.com](#); [aehrlich@paulweiss.com](#); [bkarp@paulweiss.com](#); [nkovalenko@paulweiss.com](#); [lara.buchwald@davispolk.com](#); [SRagland@keker.com](#); [NMarais@keker.com](#); [jacqueline.arango@akerman.com](#); [Wenck, Julia](#); [Mendez, Cristina](#); [scasey@colson.com](#); [Bob@colson.com](#); [zach@colson.com](#); [Andrew.Clubok@lw.com](#); [Brittany.Record@lw.com](#); [Susan.Engel@lw.com](#); [Elizabeth.Greenman@lw.com](#); [Jessica.StebbinsBina@lw.com](#); [Marvin.Putnam@lw.com](#); [michele.johnson@lw.com](#); [jmarcus@mnrlawfirm.com](#); [mpineiro@mnrlawfirm.com](#); [bfloch@mnrlawfirm.com](#); [jneiman@mnrlawfirm.com](#); [abrettler@berkbrettler.com](#); [mordenes@mnrlawfirm.com](#); [mphillip@mnrlawfirm.com](#); [christopher.carver@akerman.com](#); [jason.oletsky@akerman.com](#); [katie.johnson@akerman.com](#); [Eshaba@dkrpa.com](#); [aperaza@dkrpa.com](#); [DRothstein@dkrpa.com](#); [tlydon@mgclaw.com](#); [eric.fitzgerald@mgclaw.com](#); [hillary.ladov@mgclaw.com](#); [MKahn@gibsondunn.com](#); [mjkahn@gibsondunn.com](#); [JMacEbong@gibsondunn.com](#); [mdore@gibsondunn.com](#); [jmishkin@mmwr.com](#); [rsimins@mmwr.com](#); [ggreenberg@gsgpa.com](#); [aschachter@gsgpa.com](#); [edward.soto@weil.com](#); [Shogarth@mwe.com](#); [ehourizadeh@mwe.com](#); [Jstrabo@mwe.com](#); [Nbull@mwe.com](#); [mblancoaleman@mwe.com](#); [danielscottfriedberg@gmail.com](#); [agoldstein@cooley.com](#); [stephanie.avakian@wilmerhale.com](#); [jdemaria@foxrothschild.com](#); [alamb@foxrothschild.com](#); [mmiller-hayle@foxrothschild.com](#); [JPoli@foxrothschild.com](#); [kps@fdlawlv.com](#); [josefm@lawjimm.com](#); [dadams@potomacclaw.com](#); [jsepulveda@stearnsweaver.com](#); [mfigueras@stearnsweaver.com](#); [racho@cmda-law.com](#); [mcummings@cmda-law.com](#); [david@ghannam.law](#); [jcallahan@cmda-law.com](#); [btoth@tothfunes.com](#); [ffunes@tothfunes.com](#); [Darren@heitnerlegal.com](#); [alan@heitnerlegal.com](#); [ptowill@sheppardmullin.com](#); [fbonaventure@bakerdonelson.com](#); [mdorough@bakerdonelson.com](#); [tykelly@bakerdonelson.com](#); [afoslid@winston.com](#); [datkinson@gunster.com](#); [srichman@gunster.com](#); [natkinson@gunster.com](#); [jtravalini@sidley.com](#); [irene.yang@sidley.com](#); [shemmendinger@sidley.com](#); [thoyt@sidley.com](#);

[bbraun@sidley.com](mailto:bbraun@sidley.com); [mbosher@huntonak.com](mailto:mbosher@huntonak.com); [twaskom@huntonak.com](mailto:twaskom@huntonak.com); [amortimer@huntonak.com](mailto:amortimer@huntonak.com); [khornbeck@huntonak.com](mailto:khornbeck@huntonak.com); [afigueroa@gsgpa.com](mailto:afigueroa@gsgpa.com); [nick.werle@wilmerhale.com](mailto:nick.werle@wilmerhale.com); [Peter.Neiman@wilmerhale.com](mailto:Peter.Neiman@wilmerhale.com); [chris.johnstone@wilmerhale.com](mailto:chris.johnstone@wilmerhale.com); [jklein@mayerbrown.com](mailto:jklein@mayerbrown.com); [gvanzura@mayerbrown.com](mailto:gvanzura@mayerbrown.com); [ademko@mayerbrown.com](mailto:ademko@mayerbrown.com); [jlinder@mayerbrown.com](mailto:jlinder@mayerbrown.com); [jvescera@mayerbrown.com](mailto:jvescera@mayerbrown.com); [sdanon@huntonak.com](mailto:sdanon@huntonak.com); [jisani@huntonak.com](mailto:jisani@huntonak.com); [tschulte@huntonak.com](mailto:tschulte@huntonak.com); [Walden, Joshua](#); [Chun, Ye Eun \(Charlotte\)](#)

**Subject:** Re: FTX MDL - Agenda for Tuesday's Zoom

Adam,

My emails with you have clearly identified the relevant defendants on whose behalf we have been communicating. I am planning to join the call that you proposed scheduling tomorrow at noon ET. Please confirm that you will be prepared to discuss the questions that we've raised on behalf of Sequoia and other identified defendants in my prior emails.

To the extent that plaintiffs want to have discussions with other defendant groups, you're obviously free to schedule those in whatever way you and those defendants choose.

Thanks,  
Rishi

—

**Rishi Zutshi**

Cleary Gottlieb Steen & Hamilton LLP

Assistant: [mchandler@cgsh.com](mailto:mchandler@cgsh.com)

[One Liberty Plaza, New York NY 10006](#)

T: [+1 212 225 2085](tel:+12122252085) | F: [+1 212 225 3999](tel:+12122253999)

[rzutshi@cgsh.com](mailto:rzutshi@cgsh.com) | [clearygottlieb.com](http://clearygottlieb.com)

On Jul 10, 2023, at 2:36 PM, Adam Moskowitz <[Adam@moskowitz-law.com](mailto:Adam@moskowitz-law.com)> wrote:

Dear FTX Defense Counsel: I just spoke to a few defense counsel and let me explain the confusion. We of course, would never set any Zoom or call for the next day, and it will all be good.

We exchanged emails with a few FTX defense counsel last week about the issue of personal jurisdiction and received an email late in the week from one that said he was copying all defense counsel.

Accordingly, we just responded to that email, set an Agenda to discuss 4 specie items, and asked him to make sure everyone was copied (if a few were left).

It now appears that his first email had only copied some of the FTX counsel, so many of you just received notice for tomorrow's call today. No problem at all so no need to worry.

We will conduct tomorrow's call with everyone that can make that zoom and we will also send out invites for another Zoom for this Thursday at 3:00 pm (eastern time), so we can talk with the rest of the counsel and only then we would seek relief from the Court (if necessary) only after we all have fully discussed these issues.

We suggest that with so many different defense counsel, representing many different entities, you may want to reconsider and agree upon 1-2 Interim Defense Liaison Counsel, and when we file Amended Consolidated Complaints, at least those cases will have less counsel (but some of the discovery will still be consolidated).

Thanks and sorry for any confusion, but we will always discuss everything in this case in a proper manner.  
Thanks, Adam



Sent from my iPhone

On Jul 10, 2023, at 2:05 PM, Rejane Passos <[rejane@moskowitz-law.com](mailto:rejane@moskowitz-law.com)> wrote:

FTX Defense Counsel,

In an abundance of caution I am circulating once again Mr. Moskowitz's email below and the zoom information for Tuesday's meeting. If any counsel has not been included, please forward this email.

Topic: MDL FTX - Zoom meeting with Defense Counsel

Time: Jul 11, 2023 12:00 PM Eastern Time (US and Canada)

Join Zoom Meeting:

<https://us02web.zoom.us/j/83722004444?pwd=V3YwWk1JcitqSU9WNUVVUzF1QjBDUT09>

Meeting ID: 837 2200 4444

Passcode: 332120

Rejane Passos

Paralegal

**The Moskowitz Law Firm, PLLC**

Continental Plaza

3250 Mary Street, Suite 202

Miami, FL 33133

**Mailing Address:**

P.O. Box 653409

Miami, FL 33175

Office: (305) 740-1423

Direct: (786) 309-9572

<http://www.moskowitz-law.com>

Note: The information in this email is confidential and intended to be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information contained herein; please advise the sender immediately by reply email and delete this message and any attachments without retaining a copy. Although this email and any attachments are believed to be free of any viruses or other defects that may affect any computer system into which it is received and opened, it is the responsibility of the recipient to ensure that it is virus-free and no responsibility is accepted by The Moskowitz Law Firm or the sender of this email for any loss or damage arising in any way from its use.

---

**From:** Adam Moskowitz <[Adam@moskowitz-law.com](mailto:Adam@moskowitz-law.com)>

**Sent:** Sunday, July 9, 2023 2:40 AM

**To:** Zutshi, Rishi N. <[rzutshi@cgsh.com](mailto:rzutshi@cgsh.com)>; Stu Davidson

<[sdavidson@rgrdlaw.com](mailto:sdavidson@rgrdlaw.com)>; Joseph Saveri <[jsaveri@saverilawfirm.com](mailto:jsaveri@saverilawfirm.com)>; David

Boies <[dBoies@BSFLLP.com](mailto:dBoies@BSFLLP.com)>; Alex Boies <[ABoies@BSFLLP.com](mailto:ABoies@BSFLLP.com)>; Rejane Passos

<[rejane@moskowitz-law.com](mailto:rejane@moskowitz-law.com)>; Jose M. Ferrer <[jose@markmigdal.com](mailto:jose@markmigdal.com)>;  
Joseph Kaye <[joseph@moskowitz-law.com](mailto:joseph@moskowitz-law.com)>  
Cc: Kim, Joon H. <[jkim@cgsh.com](mailto:jkim@cgsh.com)>; Park, Jennifer Kennedy <[jkpark@cgsh.com](mailto:jkpark@cgsh.com)>;  
[Paul@lawsonhuckgonzalez.com](mailto:Paul@lawsonhuckgonzalez.com); [JGuso@bergersingerman.com](mailto:JGuso@bergersingerman.com);  
[akauffmann@bergersingerman.com](mailto:akauffmann@bergersingerman.com); [mark.mckane@kirkland.com](mailto:mark.mckane@kirkland.com);  
[anna.terteryan@kirkland.com](mailto:anna.terteryan@kirkland.com); [stephen.silva@kirkland.com](mailto:stephen.silva@kirkland.com);  
[Todd.Pittenger@gray-robinson.com](mailto:Todd.Pittenger@gray-robinson.com); [kelly.garcia@gray-robinson.com](mailto:kelly.garcia@gray-robinson.com);  
[Alexander.Drylewski@skadden.com](mailto:Alexander.Drylewski@skadden.com); [Mark.Foster@skadden.com](mailto:Mark.Foster@skadden.com);  
[tein@teinmalone.com](mailto:tein@teinmalone.com); [bklein@waymakerlaw.com](mailto:bklein@waymakerlaw.com);  
[smalzahn@waymakerlaw.com](mailto:smalzahn@waymakerlaw.com); [Pete.White@srz.com](mailto:Pete.White@srz.com);  
[Jeffrey.Robertson@srz.com](mailto:Jeffrey.Robertson@srz.com); [JShapiro@stearnsweaver.com](mailto:JShapiro@stearnsweaver.com);  
[arodriguez@stearnsweaver.com](mailto:arodriguez@stearnsweaver.com); [Amy.Longo@ropesgray.com](mailto:Amy.Longo@ropesgray.com); Jose M. Ferrer  
<[jose@markmigdal.com](mailto:jose@markmigdal.com)>; [David.Hennes@ropesgray.com](mailto:David.Hennes@ropesgray.com);  
[Lauren.Bergelson@ropesgray.com](mailto:Lauren.Bergelson@ropesgray.com); [afels@ffslawfirm.com](mailto:afels@ffslawfirm.com);  
[aehrlich@paulweiss.com](mailto:aehrlich@paulweiss.com); [bkarp@paulweiss.com](mailto:bkarp@paulweiss.com); [nkovalenko@paulweiss.com](mailto:nkovalenko@paulweiss.com);  
[lara.buchwald@davispolk.com](mailto:lara.buchwald@davispolk.com); [SRagland@keker.com](mailto:SRagland@keker.com); [NMarais@keker.com](mailto:NMarais@keker.com);  
[jacqueline.arango@akerman.com](mailto:jacqueline.arango@akerman.com); Wenck, Julia <[jwenck@cgsh.com](mailto:jwenck@cgsh.com)>; Mendez,  
Cristina <[crmendez@cgsh.com](mailto:crmendez@cgsh.com)>; Rachel Furst <[rachel@maderalbyrne.com](mailto:rachel@maderalbyrne.com)>;  
Howard Bushman <[Howard@moskowitz-law.com](mailto:Howard@moskowitz-law.com)>; Laurence King  
<[lking@kaplanfox.com](mailto:lking@kaplanfox.com)>; Miller, Kerry <[kmiller@fishmanhaygood.com](mailto:kmiller@fishmanhaygood.com)>; James  
Swanson <[jswanson@fishmanhaygood.com](mailto:jswanson@fishmanhaygood.com)>; William Audet  
<[waudet@audetlaw.com](mailto:waudet@audetlaw.com)>; Marshal Hoda <[marshal@thehodalawfirm.com](mailto:marshal@thehodalawfirm.com)>;  
Stephen N. Zack <[SZack@BSFLLP.com](mailto:SZack@BSFLLP.com)>; Tyler Ulrich <[tulrich@BSFLLP.com](mailto:tulrich@BSFLLP.com)>;  
Marc Ayala <[mayala@bsfllp.com](mailto:mayala@bsfllp.com)>

**Subject:** RE: External Email FTX MDL

FTX Defense Counsel: I am sorry. but forgot to mention item four (4) for our Agenda for Tuesday's Zoom:

4. Should we both ask the Court to make an initial legal determination, as to whether FTX's FTT tokens, and FTX interest bearing accounts, are in fact, securities that should have been registered under the *Howey* test. Please be prepared on our Zoom to just let us know if any of you will still be contesting that

specific point  
(or whether we  
can all agree  
that they are  
securities), and  
can focus on all  
of the other  
aspects of the  
case. If we get  
an answer to  
that specific  
question, it  
may certainly  
streamline the  
case. Thanks,  
Adam

Adam M. Moskowitz  
The Moskowitz Law Firm  
2 Alhambra Plaza  
Suite 601  
Coral Gables, FL 33134  
305.740.1423 main  
786.309.9561 direct  
[adam@moskowitz-law.com](mailto:adam@moskowitz-law.com)<<mailto:adam@moskowitz-law.com>>  
[www.Moskowitz-Law.com](http://www.Moskowitz-Law.com)<<http://www.Moskowitz-Law.com>>

---

**From:** Adam Moskowitz  
**Sent:** Sunday, July 9, 2023 2:13 AM  
**To:** Zutshi, Rishi N. <[rzutshi@cgsh.com](mailto:rzutshi@cgsh.com)>; Stu Davidson <[sdavidson@rgrdlaw.com](mailto:sdavidson@rgrdlaw.com)>; Joseph Saveri <[jsaveri@saverilawfirm.com](mailto:jsaveri@saverilawfirm.com)>; David Boies <[dBoies@BSFLLP.com](mailto:dBoies@BSFLLP.com)>; Alex Boies <[ABoies@BSFLLP.com](mailto:ABoies@BSFLLP.com)>; Rejane Passos <[rejane@moskowitz-law.com](mailto:rejane@moskowitz-law.com)>  
**Cc:** Kim, Joon H. <[jkim@cgsh.com](mailto:jkim@cgsh.com)>; Park, Jennifer Kennedy <[jkpark@cgsh.com](mailto:jkpark@cgsh.com)>; Paul@lawsonhuckgonzalez.com; JGuso@bergersingerman.com; akauffmann@bergersingerman.com; mark.mckane@kirkland.com; anna.terteryan@kirkland.com; stephen.silva@kirkland.com; Todd.Pittenger@gray-robinson.com; kelly.garcia@gray-robinson.com; Alexander.Drylewski@skadden.com; Mark.Foster@skadden.com; tein@teinmalone.com; bklein@waymakerlaw.com; smalzahn@waymakerlaw.com; Pete.White@srz.com; Jeffrey.Robertson@srz.com; JShapiro@stearnsweaver.com; arodriguez@stearnsweaver.com; Amy.Longo@ropesgray.com; José Ferrer <[jose@markmigdal.com](mailto:jose@markmigdal.com)>; David.Hennes@ropesgray.com; Lauren.Bergelson@ropesgray.com; afels@ffslawfirm.com; aehrlich@paulweiss.com; bkarp@paulweiss.com; nkovalenko@paulweiss.com; lara.buchwald@davispolk.com; SRagland@keker.com; NMarais@keker.com; jacqueline.arango@akerman.com; Wenck, Julia <[jwenck@cgsh.com](mailto:jwenck@cgsh.com)>; Mendez, Cristina <[crmendez@cgsh.com](mailto:crmendez@cgsh.com)>; Rachel Furst <[rachel@maderalbyrne.com](mailto:rachel@maderalbyrne.com)>; Howard Bushman <[Howard@moskowitz-law.com](mailto:Howard@moskowitz-law.com)>; Laurence King

<[king@kaplanfox.com](mailto:king@kaplanfox.com)>; [kmiller@fishmanhaygood.com](mailto:kmiller@fishmanhaygood.com); Swanson, James R. <[jswanson@fishmanhaygood.com](mailto:jswanson@fishmanhaygood.com)>; [waudet@audetlaw.com](mailto:waudet@audetlaw.com); [marshal@thehodalawfirm.com](mailto:marshal@thehodalawfirm.com); Steve Zack <[SZack@BSFLLP.com](mailto:SZack@BSFLLP.com)>; Tyler Ulrich <[tulrich@BSFLLP.com](mailto:tulrich@BSFLLP.com)>; Marc Ayala <[mayala@bsfllp.com](mailto:mayala@bsfllp.com)>

**Subject:** RE: External Email FTX MDL

Of course Rishi and all FTX counsel. As you know, David and I were appointed by Judge Moore to serve as Lead Counsel in this MDL, so of course, you can provide any and all notices, emails and correspondences, to our attention. Please let us know if you have selected a Defendants Liaison Counsel (as it typical in most MDLs), so we do not have to always copy 95 emails. Clearly, we will have less confusion after we file our separate Consolidated Amended Complaints, but until that time, it might be better, and more efficient, if you could select one or two counsel to serve as just an Interim Defendants' Liaison Counsel. Please forward a copy of this email to any other Defense Counsel that should be involved.

Let's all talk via Zoom on this **Tuesday at noon (eastern time) and Rejane will send out the invites.** We agree that it is always better to talk directly, rather than through emails. We have three (3) specific items that we would like to discuss with all of you on Tuesday's Zoom (and please just let us know tomorrow if you have any other issues you would like us to add to this Agenda):

1. Service on each counsel (that object on grounds of personal jurisdiction) of each Complaint that we will re-file in their home districts. While we certainly believe we have specific jurisdiction over every claim, based on the fact that FTX was based here in Miami, because this is now an MDL, all cases (included these complaints) will be transferred to Judge Moore (as we stated to the MDL Panel and which will moot any such jurisdiction issues). Some defense counsel recognize those facts and are thus not wasting their clients' money on these issues (and the Court's time and resources). We will file our new Consolidated Amended Complaint during the time frame agreed with the Court.
2. We have already informed all of you and the Court that we reached a proposed Settlement with Defendant Mr. Dan Friedberg in this matter. In exchange for his help and cooperation with the FTX victims, we will propose to the Court to provide Defendant Friedberg with a class-wide release. It is our intention now to take his deposition, so that we can preserve and test his testimony, especially in light of the serious actions and allegations that have been brought against him in the Bankruptcy Court and so that we can all understand and question his important information. We know that you may seek to stay all discovery (which we can discuss below), but please let us also know if you will simply

coordinate this one deposition with us on an agreeable date, or if we need to seek the help of the Court.

3. We plan to serve discovery by this Friday on most previously named Defendants, along with several third party subpoenas. Let's talk about that discovery before we need to involve the Court.

Thanks, Adam

Adam M. Moskowitz  
The Moskowitz Law Firm  
2 Alhambra Plaza  
Suite 601  
Coral Gables, FL 33134  
305.740.1423 main  
786.309.9561 direct  
[adam@moskowitz-law.com](mailto:adam@moskowitz-law.com)<<mailto:adam@moskowitz-law.com>>  
[www.Moskowitz-Law.com](http://www.Moskowitz-Law.com)<<http://www.Moskowitz-Law.com>>

---

**From:** Zutshi, Rishi N. <[rzutshi@cgsh.com](mailto:rzutshi@cgsh.com)>  
**Sent:** Saturday, July 8, 2023 11:07 PM  
**To:** Adam Moskowitz <[Adam@moskowitz-law.com](mailto:Adam@moskowitz-law.com)>; Stu Davidson <[sdavidson@rgrdlaw.com](mailto:sdavidson@rgrdlaw.com)>; Joseph Saveri <[jsaveri@saverilawfirm.com](mailto:jsaveri@saverilawfirm.com)>; David Boies <[dBoies@BSFLLP.com](mailto:dBoies@BSFLLP.com)>  
**Cc:** Kim, Joon H. <[jkim@cgsh.com](mailto:jkim@cgsh.com)>; Park, Jennifer Kennedy <[jpark@cgsh.com](mailto:jpark@cgsh.com)>; Paul@lawsonhuckgonzalez.com; JGuso@bergersingerman.com; akauffmann@bergersingerman.com; mark.mckane@kirkland.com; anna.terteryan@kirkland.com; stephen.silva@kirkland.com; Todd.Pittenger@gray-robinson.com; kelly.garcia@gray-robinson.com; Alexander.Drylewski@skadden.com; Mark.Foster@skadden.com; tein@teinmalone.com; bklein@waymakerlaw.com; smalzahn@waymakerlaw.com; Pete.White@srz.com; Jeffrey.Robertson@srz.com; JShapiro@stearnsweaver.com; arodriguez@stearnsweaver.com; Amy.Longo@ropesgray.com; David.Hennes@ropesgray.com; Lauren.Bergelson@ropesgray.com; afels@ffslawfirm.com; aehrlich@paulweiss.com; bkarp@paulweiss.com; nkovalenko@paulweiss.com; lara.buchwald@davispolk.com; SRagland@keker.com; NMarais@keker.com; jacqueline.arango@akerman.com; Wenck, Julia <[jwenck@cgsh.com](mailto:jwenck@cgsh.com)>; Mendez, Cristina <[crmendez@cgsh.com](mailto:crmendez@cgsh.com)>  
**Subject:** RE: External Email FTX MDL

Adam,

I am responding on behalf of the defendants listed in my June 30 email below and also Farmington Bank. We don't understand several aspects of your response. There is no "procedure that has been agreed to by all parties" as to personal jurisdiction issues. Even though we were in touch with several of the

Plaintiffs' firms before the June 21 status conference, no one contacted us to discuss these issues in advance of raising them with the court. Nor was there any agreement at the conference on how personal jurisdiction issues would be addressed moving forward as to the Investor Defendants.

And contrary to the suggestion in your email, there were certainly no agreements reached as to waiver of service of process -- as your most recent filing with the Court admits. See ECF 97 (where you acknowledge only *some* defendants have agreed to waive service of process, and that you "hope[] to reach agreement with other defendants" regarding accepting service of process.). That decision will need to be made by individual defendants on a case by case basis.

On June 30, we informed Plaintiffs that certain Defendants listed in my June 30 email do not agree to waive any available personal jurisdiction defenses. We also asked you to let us know what further steps Plaintiffs intend to take in light of Defendants' position, to which we received no response until your email nearly a week later.

Your email also raises several other issues and questions, some of which may need to be addressed on a defendant-by-defendant basis:

1. We don't know what you are referring to as "the original filed complaint." We note that none of the Investor Defendants is named in any of the actions your firm has filed, for one.
2. We are not clear what you mean by a "home district," especially as to those Defendants that have not been served in any jurisdiction, or those that reside outside the U.S.
3. We are confused by your note that plaintiffs will ask Judge Moore to order "substituted service" as to complaints that plaintiffs will purportedly file in other courts. We also reject your suggestion that defendants' good faith assertion of jurisdiction objections is "game playing."

Finally, we reiterate our request that you let us know which plaintiffs' counsel will be the point person for each defendant. We asked you for that information last week, and we are surprised by the lack of response given plaintiffs' comments at the June 21 conference about the need to coordinate among the parties.

Rather than potentially talking past one another by email, we propose having a call to discuss these issues. Please let us know your availability. Defendants reserve all rights.

Best,  
Rishi

—  
**Rishi Zutshi**

Cleary Gottlieb Steen & Hamilton LLP

Assistant: [mchandler@cgsh.com](mailto:mchandler@cgsh.com)

One Liberty Plaza, New York NY 10006

T: +1 212 225 2085

[rzutshi@cgsh.com](mailto:rzutshi@cgsh.com) | [clearygottlieb.com](http://clearygottlieb.com)

---

**From:** Adam Moskowitz <[Adam@moskowitz-law.com](mailto:Adam@moskowitz-law.com)>

**Sent:** Thursday, July 6, 2023 10:07 PM

**To:** Zutshi, Rishi N. <[rzutshi@cgsh.com](mailto:rzutshi@cgsh.com)>; Stu Davidson

<[sdavidson@rgrdlaw.com](mailto:sdavidson@rgrdlaw.com)>; Joseph Saveri <[jsaveri@saverilawfirm.com](mailto:jsaveri@saverilawfirm.com)>; David

Boies <[dBoies@BSFLLP.com](mailto:dBoies@BSFLLP.com)>

**Cc:** Kim, Joon H. <[jkim@cgsh.com](mailto:jkim@cgsh.com)>; Park, Jennifer Kennedy <[jkpark@cgsh.com](mailto:jkpark@cgsh.com)>;

[Paul@lawsonhuckgonzalez.com](mailto:Paul@lawsonhuckgonzalez.com); [JGuso@bergersingerman.com](mailto:JGuso@bergersingerman.com);

[akauffmann@bergersingerman.com](mailto:akauffmann@bergersingerman.com); [mark.mckane@kirkland.com](mailto:mark.mckane@kirkland.com);

[anna.terteryan@kirkland.com](mailto:anna.terteryan@kirkland.com); [stephen.silva@kirkland.com](mailto:stephen.silva@kirkland.com);

[Todd.Pittenger@gray-robinson.com](mailto:Todd.Pittenger@gray-robinson.com); [kelly.garcia@gray-robinson.com](mailto:kelly.garcia@gray-robinson.com);

[Alexander.Drylewski@skadden.com](mailto:Alexander.Drylewski@skadden.com); [Mark.Foster@skadden.com](mailto:Mark.Foster@skadden.com);

[tein@teinmalone.com](mailto:tein@teinmalone.com); [bklein@waymakerlaw.com](mailto:bklein@waymakerlaw.com);

[smalzahn@waymakerlaw.com](mailto:smalzahn@waymakerlaw.com); [Pete.White@srz.com](mailto:Pete.White@srz.com);

[Jeffrey.Robertson@srz.com](mailto:Jeffrey.Robertson@srz.com); [JShapiro@stearnsweaver.com](mailto:JShapiro@stearnsweaver.com);

[arodriguez@stearnsweaver.com](mailto:arodriguez@stearnsweaver.com); [Amy.Longo@ropesgray.com](mailto:Amy.Longo@ropesgray.com);

[David.Hennes@ropesgray.com](mailto:David.Hennes@ropesgray.com); [Lauren.Bergelson@ropesgray.com](mailto:Lauren.Bergelson@ropesgray.com);

[afels@ffslawfirm.com](mailto:afels@ffslawfirm.com); [aehrlich@paulweiss.com](mailto:aehrlich@paulweiss.com); [bkarp@paulweiss.com](mailto:bkarp@paulweiss.com);

[nkovalenko@paulweiss.com](mailto:nkovalenko@paulweiss.com); [lara.buchwald@davispolk.com](mailto:lara.buchwald@davispolk.com);

[SRagland@keker.com](mailto:SRagland@keker.com); [NMarais@keker.com](mailto:NMarais@keker.com); [jacqueline.arango@akerman.com](mailto:jacqueline.arango@akerman.com);

Wenck, Julia <[jwenck@cgsh.com](mailto:jwenck@cgsh.com)>; Mendez, Cristina <[crmendez@cgsh.com](mailto:crmendez@cgsh.com)>

**Subject:** RE: External Email FTX MDL

Thanks Rishi: I think you might be slightly confused as to the procedure that has been agreed to by all parties in this MDL, so let's just quickly clear up any confusion. We stated to the Court that if you required us to file in your home district (as only a few defendants have), we plan on Monday to send you the original filed complaint (so that you can accept service) and that complaint will be transferred to this district per the MDL rules, long before our deadline to file Consolidated Complaints. That way there is no dispute about personal jurisdiction (although we certainly believe there is specific jurisdiction for all of these claims, based upon Miami being the base for all relevant FTX activities).

Your client clearly does not have to respond to that Complaint, because as you know, the MDL Court has already provided us with a date to file various Consolidated Complaints in the MDL that will be separated by type of Defendant. If for some reason you have changed your mind and decided not to accept service of this original Complaint, please just let us know by Monday and we will ask Judge Moore to serve it by substituted service by sending you a copy. Any other process is really just game playing and delaying the intent of the schedule we all agreed to with Judge Moore in this MDL. Thank you for your consideration. Adam

Adam M. Moskowitz

The Moskowitz Law Firm

2 Alhambra Plaza  
Suite 601  
Coral Gables, FL 33134  
305.740.1423 main  
786.309.9561 direct  
[adam@moskowitz-law.com](mailto:adam@moskowitz-law.com)<<mailto:adam@moskowitz-law.com>>  
[www.Moskowitz-Law.com](http://www.Moskowitz-Law.com)<<http://www.Moskowitz-Law.com>>

---

**From:** Zutshi, Rishi N. <[rzutshi@cgsh.com](mailto:rzutshi@cgsh.com)>  
**Sent:** Wednesday, July 5, 2023 6:33 PM  
**To:** Stu Davidson <[sdavidson@rgrdlaw.com](mailto:sdavidson@rgrdlaw.com)>; Joseph Saveri <[jsaveri@saverilawfirm.com](mailto:jsaveri@saverilawfirm.com)>; David Boies <[dBoies@BSFLLP.com](mailto:dBoies@BSFLLP.com)>; Adam Moskowitz <[Adam@moskowitz-law.com](mailto:Adam@moskowitz-law.com)>  
**Cc:** Kim, Joon H. <[jkim@cgsh.com](mailto:jkim@cgsh.com)>; Park, Jennifer Kennedy <[jkpark@cgsh.com](mailto:jkpark@cgsh.com)>; Paul@lawsonhuckgonzalez.com; JGuso@bergersingerman.com; akauffmann@bergersingerman.com; mark.mckane@kirkland.com; anna.terteryan@kirkland.com; stephen.silva@kirkland.com; Todd.Pittenger@gray-robinson.com; kelly.garcia@gray-robinson.com; Alexander.Drylewski@skadden.com; Mark.Foster@skadden.com; tein@teinmalone.com; bklein@waymakerlaw.com; smalzahn@waymakerlaw.com; Pete.White@srz.com; Jeffrey.Robertson@srz.com; JShapiro@stearnsweaver.com; arodriguez@stearnsweaver.com; Amy.Longo@ropesgray.com; David.Hennes@ropesgray.com; Lauren.Bergelson@ropesgray.com; afels@ffslawfirm.com; aehrlich@paulweiss.com; bkarp@paulweiss.com; nkovalenko@paulweiss.com; lara.buchwald@davispolk.com; SRagland@keker.com; NMarais@keker.com; jacqueline.arango@akerman.com; Wenck, Julia <[jwenck@cgsh.com](mailto:jwenck@cgsh.com)>; Mendez, Cristina <[crmendez@cgsh.com](mailto:crmendez@cgsh.com)>  
**Subject:** Re: External Email FTX MDL

Counsel,

We are writing to follow up on my email below. We have not received any response and would appreciate if you could promptly advise on what steps, if any, plaintiffs intend to take to address personal jurisdiction issues.

Could you also please let us know whether plaintiffs intend to provide an update to the Court on this topic? If so, we ask that you please share a draft of that update with us in advance.

Best,

Rishi



—  
**Rishi Zutshi**

Cleary Gottlieb Steen & Hamilton LLP

Assistant: [mchandler@cgsh.com](mailto:mchandler@cgsh.com)

[One Liberty Plaza, New York NY 10006](#)

T: [+1 212 225 2085](tel:+12122252085) | F: [+1 212 225 3999](tel:+12122253999)

[rzutshi@cgsh.com](mailto:rzutshi@cgsh.com) | [clearygottlieb.com](http://clearygottlieb.com)

On Jun 30, 2023, at 7:46 AM, Zutshi, Rishi N.

<[rzutshi@cgsh.com](mailto:rzutshi@cgsh.com)> wrote:

Counsel,

At last week's hearing, plaintiffs requested that defendants inform you whether they would consent to waive any personal jurisdiction defenses. We write on behalf of our client, Sequoia Capital Operations, LLC, and the following defendants to report that they do not agree to waive any available personal jurisdiction defenses: Altimeter Capital Management, LP; Deltec Bank and Trust Company Limited; Jean Chalopin; Multicoin Capital Management LLC; Paradigm Operations, LP; Ribbit Capital, L.P.; Temasek Holdings (Private) Limited; Thoma Bravo, LP; Tiger Global Management LLC.

At the hearing, you also indicated that plaintiffs may take other steps in an effort to address personal jurisdiction issues, such as filing actions in additional venues. Please let us know by Monday what steps Plaintiffs intend to take so that we can confer about how to address any personal jurisdiction issues efficiently.

We have included on this email the counsel you identified last Monday as plaintiffs co-lead counsel and chairpersons for domestic venture capital funds and foreign investors. Please feel free to forward to other counsel on your side as appropriate. Also, for future reference, we would appreciate if you could let us know which plaintiff counsel each of the above-referenced defendants should communicate with.

Best,  
Rishi

—

**Rishi Zutshi**

Cleary Gottlieb Steen & Hamilton LLP

Assistant: [mchandler@cgsh.com](mailto:mchandler@cgsh.com)

[One Liberty Plaza, New York NY 10006](#)

T: [+1 212 225 2085](tel:+12122252085)

[rzutshi@cgsh.com](mailto:rzutshi@cgsh.com) | [clearygottlieb.com](http://clearygottlieb.com)

This message is being sent from a law firm and may contain confidential or privileged information. If you are not the intended recipient, please advise the sender immediately by reply e-mail and delete this message and any attachments without retaining a copy.

Throughout this communication, "Cleary Gottlieb" and the "firm" refer to Cleary Gottlieb Steen & Hamilton LLP and its affiliated entities in certain jurisdictions, and the term "offices" includes offices of those affiliated entities. Our external privacy statement is available at:

<https://www.clearygottlieb.com/footer/privacy-statement>

This message is being sent from a law firm and may contain confidential or privileged information. If you are not the intended recipient, please advise the sender immediately by reply e-mail and delete this message and any attachments without retaining a copy.

Throughout this communication, "Cleary Gottlieb" and the "firm" refer to Cleary Gottlieb Steen & Hamilton LLP and its affiliated entities in certain jurisdictions, and the term "offices" includes offices of those affiliated entities. Our external privacy statement is available at:

<https://www.clearygottlieb.com/footer/privacy-statement>

This message is being sent from a law firm and may contain confidential or privileged information. If you are not the intended recipient, please advise the sender immediately by reply e-mail and delete this message and any attachments without retaining a copy.

Throughout this communication, "Cleary Gottlieb" and the "firm" refer to Cleary Gottlieb Steen & Hamilton LLP and its affiliated entities in certain jurisdictions, and the term "offices" includes offices of those affiliated entities. Our external privacy statement is available at:

<https://www.clearygottlieb.com/footer/privacy-statement>